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Consultant Acquisition

Sometimes it is necessary to augment the Project Office staff with consultants. The State has pre-qualified consultants available through [MSA](#) (DGS link) and [CMAS](#) (DGS link). A Consultant Acquisition Plan should explain the process for establishing consultant contracts using MSA or CMAS. This process includes procedures for preparing and getting approval for the Statement of Work (SOW) package which includes:

- [Consultant Statement Of Work \(SOW\)](#)
- [Hiring Activity Report](#)
- Detailed description of selection process
- Justification memo on why a state staff could not be used (if not included with the Hiring Activity Report)
- Resumes for all contract personnel
- HHSDC Consultant Services Checklist (from ASP website)
- Listing of all persons involved with the procurement, including development of procurement documents.

TIP Use the [Contract Review Criteria](#) to ensure all essential items have been addressed in the SOW.

TIP In addition to an Acquisition Plan, there should also be a Consultant/Contract Management Plan which describes the process for managing, modifying and closing consultant contracts. The plan should be supplemented by the appropriate detailed processes, such as the [Invoice Process](#) and [Deliverable Management Process](#). These processes ensure consultant invoices and deliverables are systematically reviewed and approved. Refer to the [Contract Management](#) Supporting Process for more information on management and [Contract Management Plans](#).

References:

- [IEEE 1490-1998](#), Adoption of PMI's PMBOK, Section 12 Procurement (link to pdf)
- [DGS Management Memo 03-10](#), Requirements for Use of CMAS/MSA and Non-Competitive Bids (NCBs) (link to pdf)
- [HHSDC's Acquisition Services Program \(ASP\) web page](#) (link)
- Some presentations by Davis, Wright, Tremain LLP (Attorneys at Law) from the April 2003 CCISDA meeting.
 - [Key Questions to Ask Vendors When Buying Technology](#) (pdf)
 - [Enterprise Resource Planning Agreements](#) (pdf)

Samples:

- [Consultant Acquisition and Management Plan Outline](#) (MS Word)
- [CCSA Consultant Acquisition and Management Plan](#) (pdf)
- [CCSA Procurement of Consultant Services Process - CMAS/MSA](#) (MS Word)
- [CWS/CMS Procurement - Support Staff Evaluation Summary Sheet](#) (MS Word)
- [CWS/CMS Procurement - Support Staff Evaluation Criteria Worksheets](#) (MS Word)
- [SAWS Consultant Procurement Process](#) (pdf)


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General Contract Review Criteria

[Acq Main](#)

When preparing a contract, be sure to review the following key criteria. Any associated notes or documentation should be stored in the contract file.

- Is the **contract type/vehicle appropriate** for the contract you are writing? Is the vehicle consistent with the purpose of your acquisition?

Review the appropriate contract type below and check the purpose and limitations of each type of vehicle (specifically the Terms and Conditions and/or Model Contract Language).

- CMAS -- See the following for more info.

- [DGS Procurement CMAS website](#) (DGS link)

- [CMAS Terms and Conditions](#) (DGS link)

- MSA -- Scroll down to the IT Master Services Agreement section and then select the appropriate type of MSA (usually the IT Consulting Services Link). Each category should have ordering instructions and terms listed on the sub-page.

- [DGS Procurement MSA website](#) (DGS link)

- Competitive -- See the various sources listed below. If you have questions contact your DGS representative or the project's Acquisition Services Bureau representative for assistance.

- [SAM Section 5200 - IT Procurements](#) (DGS link)

- [State Contracting Manual](#) (DGS link)

- Does your Statement of Work (SOW)/contract clearly describe the **minimum qualifications** (MQs) required for each task? Do the minimum qualifications in your SOW/contract match the MQs for your contract type?

CMAS and MSA have specific requirements for education and experience levels for each contractor staff classification level. Any waivers should be documented and stored with the contract file.

- CMAS - Check the contractor's associated Federal GSA schedule, and Products/Services Price List that is part of their CMAS agreement

- MSA - Check the Category and Classification section and the Personnel Classifications section

- Does the SOW/contract clearly **map the project position/title** (e.g., Implementation Manager) to the classification level (e.g., Systems Analyst II)?

- Do the resumes and staff **experience levels fit the roles** and responsibilities for the project positions? Do the resumes and experience levels clearly support the classification levels and billing rates?

- If the project has negotiated for discounted rates with the contractor, has this agreement and the rationale for the **discount been documented**?

A letter should be generated indicating the:

- Standard and discounted rates
- Associated classification levels (e.g., Systems Analyst II, etc)
- Associated project position/title
- Staff name
- Rationale for the discount (e.g., based on industry standard for the type of project position, limited experience level of the contractor staff being proposed, etc.)

The letter may be generated by the contractor to the Project Manager to formalize an agreement, or the Project Manager may generate the letter for the contractor to indicate the rates which are acceptable to the State.

- Does the SOW/contract include **at least one deliverable for each task** (i.e., how will you evaluate and prove that the appropriate work has been done)? Are DEDs included as a requirement (if appropriate)? Are the completion and acceptance criteria stated or referenced elsewhere (e.g., in a DED which will be developed prior to the deliverable)?
 - If the contract/subcontract is for **consulting services**, is there a way to measure their work and results from their work? Are there specific deliverables other than just a monthly status report (such as analyses, technical studies, reports, etc.)?
- Are the appropriate **government and industry standards** for project management and software development/integration referenced or explicitly listed? Or if the project has tailored a standard, are examples available to the contractor that they may use to help develop their price proposal?
- Does the SOW/contract state specific **tracking data or metrics** that the contractor will have to report (such as costs, hours or timesheets, or internal QA data)? Does the SOW or contract provide **a clause to allow access to other tracking data** if necessary? Does the SOW/contract provide access to the actual (raw) data (not just summaries)? If appropriate, are "earned-burned" or earned value measures required?
- Does the SOW/contract clearly indicate when **formal reviews** will be required such as Design Reviews for the customer, QA reviews or Configuration Audits? Are dates/milestones associated with these reviews (e.g., at least 30 days after submission of Detailed Design)? Are the objectives of the formal review stated (e.g, Go/No-Go decision, liquidated damages assessment, etc.)? Does the SOW/contract allow project staff and the IV&V team access to the contractor data and personnel?
- Does the SOW/contract indicate how **payments** will be handled (e.g, monthly time and materials, by deliverable, etc.)? Does the SOW indicate any payment caps and travel costs? Does the SOW indicate any payment withholds and procedures for receiving the withholds (e.g., after acceptance testing, after final county implementation, etc.)?
- If appropriate, does the SOW/contract include a provision and **process for work orders and amendments**?
- Are a **change control process and an issue resolution/escalation process** included or referenced? Does the [escalation process](#) include specific timeframes or criteria (such as level of risk or impact to the project) for escalation to the next level?
- Is there a **staff replacement process** included or referenced? Does the SOW/contract include a clause that requires State approval of any contractor staff replacement prior to the replacement beginning work?
- If **subcontractors** are being utilized in this SOW/contract, is there a provision that specifically states the prime is responsible for ensuring the subcontractors work is correct? Will the subcontractors be using the prime's processes and methodologies, or using their own? If the latter, the prime must still ensure the products and activities map to their (the prime's) processes, methods and quality standards.

- Are there any **current or former state employees** being proposed by the contractor? Does this constitute a conflict? Does the vendor clearly indicate why they believe this is not a conflict?
 - There are specific statutes and regulations that limit former state employees' employment opportunities with companies that do business with the State. Consult the ASP and/or Legal for more information.
 - Also review the available guidance on [conflict of interest](#) (MS Word). Consult Legal counsel if questions arise.